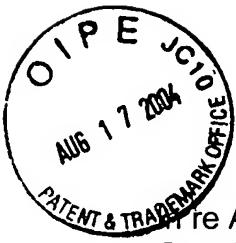


08-18-04

LCW
PATENT

Attorney Docket No. 101.0094-01000

Customer No. 22882



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Pre Application of:)
Gary K. Michelson)
Serial No.: 10/697,835) (Group Art Unit: 3738)
Filed: October 30, 2003) (Examiner: D. Isabella)
For: ORTHOPEDIC IMPLANT SURFACE)
CONFIGURATION WITH A)
PROJECTION HAVING A BACK CUT)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Mailing Label No. ED149927699US

Date of Deposit: August 16, 2004

I hereby certify that:

1. Information Disclosure Statement Under 37 C.F.R. § 1.97(b)
2. Form PTO-1449
3. 3 documents
4. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: August 16, 2004


Sandra L. Blackmon

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Hartville, Ohio 44632
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PATENT
Attorney Docket No. 101.0094-01000
Customer No. 22882
Via U.S. Express Mail Label No. ED149927699US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson)
Serial No.: 10/697,835) (Group Art Unit: 3738)
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Mail Stop AMENDMENT
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: August 16, 2004

By: 
Thomas H. Martin
Registration No. 34,383

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Substitute for FORM PTO-1449		Attorney Docket Number 101.0094-01000		Customer No. 22882		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson, M.D.		Application Number 10/697,835		
Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date October 30, 2003		Group Art Unit (3738)	Examiner (D. Isabella)	
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	
	2002/0068978A1	6/2002	Camino et al.			
	6,432,106	8/2002	Fraser			
	6,592,624	7/2003	Fraser et al.			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)						
EXAMINER	DATE CONSIDERED					
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						